

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**ANTHONY JONES,
Plaintiff,**

vs.

**VANGUARD RESOURCES, INC.,
Defendant.**

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CIVIL ACTION NO. 4:11-cv-486

ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Anthony Jones, Plaintiff, and files this original complaint against Vanguard Resources, Inc., Defendant, and would respectfully show the Court as follows:

I. PARTIES

1. Plaintiff is an individual residing in Grayson County, Texas.

2. Defendant Vanguard Resources, Inc. is a for-profit corporation doing business in Texas and may be served by serving its registered agent Ricky Powers, 17300 Henderson Pass, Suite 200, San Antonio, Texas 78232.

II. JURISDICTION

3. Jurisdiction is founded on federal question, specifically Title VII of the Civil Rights Act of 1964, as amended, and 42 U.S.C.A. 2000e, *et seq.* (Unlawful Employment Practices), as amended.

4. All prerequisites to filing suit have been met.

III. FACTS

5. Plaintiff was employed by Vanguard Resources, Inc. at the Heritage Park Surgical Center located in Sherman, Texas for approximately four and a half months. Defendant is contracted to provide facilities management services to Heritage Park Surgical Center.

6. Plaintiff began working for Defendant on or about October 29, 2010, as a lead engineer/maintenance mechanic. When he began his employment, Plaintiff was the only maintenance employee and was responsible for a 55,000 square foot facility with two boiler rooms and six electrical rooms plus one medical gas room. As such, Plaintiff was responsible for all building maintenance including fixing plumbing leaks in patient rooms, repairing malfunctioning humidifiers, repairing leaks in the building roof, and fixing boiler pump failures.

7. At the time of hiring, Plaintiff was told he was to report directly to Jeremy Hersom, Defendant's Director of Management at Heritage Park Surgical Center. However, Plaintiff soon found that he was expected to take direction from Derrick Salinas, the Defendant's supervisor for housekeeping and the kitchen. At no time did Defendant specify to Plaintiff the change in his supervisor or provide him with documentation of the change.

8. In December 2010, Mr. Hersom called Plaintiff "Buckwheat". When Plaintiff objected to this blatantly racist statement, Mr. Hersom responded that Plaintiff was "throwing me under the bus."

9. In January 2011, Plaintiff was in the kitchen area doing checks when a scrub tech named Shun (Last Name Unknown) called him a "nigger." Plaintiff reported this to Mr. Hersom whose response was, "what do you want me to do about it?"

10. Plaintiff was terminated on or about March 7, 2011 by Jeremy Hersom.

11. At the time of his termination, Plaintiff was earning approximately \$18.00 per hour plus benefits.

IV. FEDERAL CLAIMS FOR RELIEF AND DAMAGES

COUNT I

12. Violations of 42 U.S.C.A. 2000e, et seq. (Unlawful Employment Practices), as amended

13. A. Plaintiff is alleging that he was discharged in violation of 42 U.S.C.A. 2000e, *et seq.* (Unlawful Employment Practices), as amended, protecting Plaintiff from discrimination in the workplace on the basis of race.

14. B. Plaintiff claims all relief, legal and equitable that effectuate his rights under 42 U.S.C.A. 2000e, *et seq.* (Unlawful Employment Practices), as amended.

15. C. Plaintiff requests reasonable attorney's fees as permitted under 42 U.S.C.A. 2000e, *et seq.* (Unlawful Employment Practices), as amended.

16. D. On or about March 25, 2011, Plaintiff filed a written complaint with the U.S. Equal Employment Opportunity Commission. On or about May 12, 2011, he received the Notice of Right to Sue from the U.S. Equal Employment Opportunity Commission, which was dated May 11, 2011.

COUNT II

17. Violations of Title VII of the Civil Rights Act of 1964, as amended

18. A. Plaintiff is alleging that he was discharged in violation of Title VII of the Civil Rights Act of 1964, as amended, protecting Plaintiff from discrimination on the basis of race.

19. B. Plaintiff claims all relief, legal and equitable, that effectuate his rights under Title VII of the Civil Rights Act of 1964, as amended.

20. C. Plaintiff requests reasonable attorney's fees as permitted under Title VII of the Civil

Rights Act of 1964, as amended.

21. D. On or about March 25, 2011, Plaintiff filed a written complaint with the U.S. Equal Employment Opportunity Commission. On or about May 12, 2011, he received the Notice of Right to Sue from the U.S. Equal Employment Opportunity Commission, which was dated May 11, 2011.

COUNT III

22. Violations of 42 U.S.C.A. 2000e, et seq. (Unlawful Employment Practices), as amended

23. A. Plaintiff is alleging that he was retaliated against in violation of 42 U.S.C.A. 2000e, *et seq.* (Unlawful Employment Practices), as amended, protecting Plaintiff from retaliation for reporting, in good faith, discrimination in the workplace.

24. B. Plaintiff claims all relief, legal and equitable that effectuate his rights under 42 U.S.C.A. 2000e, *et seq.* (Unlawful Employment Practices), as amended.

25. C. Plaintiff requests reasonable attorney's fees as permitted under 42 U.S.C.A. 2000e, *et seq.* (Unlawful Employment Practices), as amended.

26. D. On or about March 25, 2011, Plaintiff filed a written complaint with the U.S. Equal Employment Opportunity Commission. On or about May 12, 2011, he received the Notice of Right to Sue from the U.S. Equal Employment Opportunity Commission, which was dated May 11, 2011.

COUNT IV

27. Violations of Title VII of the Civil Rights Act of 1964, as amended

28. A. Plaintiff is alleging that he was retaliated against in violation of Title VII of the Civil Rights Act of 1964, as amended, protecting Plaintiff from retaliation for reporting, in good faith, discrimination in the workplace.

29. B. Plaintiff claims all relief, legal and equitable, that effectuate his rights under Title VII

of the Civil Rights Act of 1964, as amended.

30. C. Plaintiff requests reasonable attorney's fees as permitted under Title VII of the Civil Rights Act of 1964, as amended.

31. D. On or about March 25, 2011, Plaintiff filed a written complaint with the U.S. Equal Employment Opportunity Commission. On or about May 12, 2011, he received the Notice of Right to Sue from the U.S. Equal Employment Opportunity Commission, which was dated May 11, 2011.

V. DAMAGES

32. Plaintiff would show that he has sustained damages within the jurisdictional limits of the Court as a proximate cause of Defendant's wrongful conduct. Plaintiff claims all relief at law and in equity pursuant to 42 U.S.C.A. 2000e, *et seq.* (Unlawful Employment Practices), as amended, and Title VII of the Civil Rights Act of 1964, as amended.

VI. ATTORNEY'S FEES

33. Plaintiff would show that, as a result of Defendant's wrongful conduct as set forth herein, he is entitled to reasonable and necessary attorney's fees.

VII. JURY DEMAND

34. Plaintiff requests that this matter be tried before a jury.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that upon final hearing hereof, Plaintiff have judgment against Defendant for actual damages in an amount within the jurisdictional limits of the Court together with interest on said amount at the highest rate allowed by law; mental anguish; punitive damages; reasonable attorney's fees; costs of court; prejudgment and postjudgment interest; and any and all further relief, at law or in equity, general or special, to which Plaintiff may show himself justly entitled.

Respectfully submitted,

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/s/ Ronald R. Huff

Ronald R. Huff (SBN 10185050)
ATTORNEY FOR PLAINTIFF